



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number:	2503464
Applicant Name:	Peter Levy
Address of Proposal:	2422 Southwest Cloverdale Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use and construct one single family residence and two, two-unit townhouse structures with attached garages (total of five units). The proposal includes demolition of an existing single family structure.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The subject property is located on the northeast corner of the intersection of SW Cloverdale Street and 25th Avenue SW. The abutting streets do not have curbs and sidewalks. The 7,378 square-foot property is currently developed with a single family house and an attached carport, which are to be demolished.

The subject property is located in a multi-family Lowrise 1 zone (L-1), as are the lots immediately abutting the site. The zoning changes to Single Family 7200 (SF 7200) across the alley one lot to the east, along 24th Avenue SW. To the west, zoning changes from L-1 to SF

7200 one block from the site at 26th Avenue SW by Denny Middle School. The surrounding properties are developed with a mix of single family and multifamily residences. Denny Middle School, Chief Sealth High School and Westwood Village Shopping Center are all within a few blocks of the subject property.

Proposal

The applicant proposes to construct one single family residence and two, two-unit townhouse structures for a total of five units. The structures will be three stories in height. Parking for each unit will be provided on site in garages within the proposed structures. Proposed access is via 25th Ave. SW. The project includes the demolition of a single family house.

Public Comments

The public comment period for this project ended on September 14, 2005. One letter requested an extension of the comment period by two weeks.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical liquefaction area. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 17, 2005. The information in the checklist submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05.794). However, due to the proximity of residential uses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

Noise

Excavation will be required to prepare the building sites and foundations for the new buildings. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to non-holiday weekdays between the hours of 7:30 A.M. and 6:00 P.M., Saturdays from 9:00 A.M. to 6:00 P.M. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval from DPD (3 days advance notice required).

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. Compliance with these requirements will sufficiently mitigate impacts to air quality. A condition will be included pursuant to SEPA authority under SMC 25.05.675 A to require that a PSCAA Notice of Intent be filed prior to commencing any demolition activities.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with liquefaction zone and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Dennis Bruce, PE, dated May

31, 2005. The report evaluates the soil and site conditions and provides recommendations for grading and earthwork, foundation construction, and drainage controls. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Drainage

The proposed development is expected to have extensive impervious surface lot coverage from the townhouse structures and the access drives. The ECA Ordinance and the Stormwater, Grading and Drainage Control Code provide for extensive review and adequate conditioning of the project prior to issuance of building permits. However, the project lies within the Longfellow Creek Drainage shed.

Longfellow Creek provides habitat for aquatic species including Coho salmon. The past three years Seattle Public Utilities through their Coho spawning surveys have found that a large number of Coho salmon that return to Seattle creeks die before they spawn. In Longfellow Creek the prespawning mortality of Coho has averaged 72 percent over the past three years. Stormwater runoff is believed to be contributing to these prespawning deaths. Therefore per SMC 23.802.015 D states in part that the Director of DPD may require sites with less than 5,000 square feet of impervious surface to comply with the requirements set forth in 22.802.016. Therefore flow control measures need to be incorporated in the design of future development at this site according to Volume 3: Flow Control Technical Requirements Manual, of SMC 22.800.

Pursuant to SEPA policy 25.05.675 C2c, and SMC 22.802.015 D, the following conditions will be imposed: 1) Permanent flow control measure shall be required to mitigate the impacts of any impervious surface that is created as a result of this short plat; 2) Vol. 3 of SMC 22.800 Stormwater, grading and Drainage Control Code should be used to determine the size and design of the flow control measures that are used. It is recommended that a Stormwater planter (p. 18), a Bioengineered planting strip (p.25) or an Infiltration planter (p.30) be used as methods to mitigate stormwater impacts at the site; 3) The minimum necessary of clearing vegetation at the site shall be allowed. Areas of land that are distributed but no structures are permanently placed in these areas shall be revegetated with native vegetation.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

1. A PSCAA Notice of Intent shall be filed with DPD prior to commencing demolition activities.

2. Permanent flow control measure shall be required to mitigate the impacts of any impervious surface that is created as a result of this short plat.
3. Vol. 3 of SMC 22.800 Stormwater, grading and Drainage Control Code should be used to determine the size and design of the flow control measures that are used. It is recommended that a Stormwater planter (p. 18), a Bioengineered planting strip (p. 25) or an Infiltration planter (p. 30) be used as methods to mitigate stormwater impacts at the site.

Conditions of Approval During Construction

4. The hours of construction shall be limited to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M.
5. The minimum necessary of clearing vegetation at the site shall be allowed. Areas of land that are distributed but no structures are permanently placed in these areas shall be revegetated with native vegetation.

Signature: (signature on file)
Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development

Date: May 11, 2006